

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-34 are pending in the application, with 16, 19, and 27 being the independent claims. New claims 21-34 are to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Abstract

The Examiner objected to the Abstract because it contained phrases which can be implied and it did not include to what claim the invention pertained. Applicants submit herewith a new Abstract on a separate sheet in accordance with 37 C.F.R. 1.72.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 19 and 20 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention because in claim 19, line 8 "the graft junction" lacked a prior antecedent. Claim 19 has been amended to address the antecedent basis issue, and to correct an apparent error in the claim.

Rejections under 35 U.S.C. § 102

U.S. Patent No. 5,387,235 to Chuter was cited by the Examiner as anticipating claims 19 and 20. The Chuter patent discloses radial restraint of a graft until deployment through a sheath introducer, (Col. 23, lines 30-40), but does not disclose any radial

restraint of the graft independent of the sheath introducer, (Col. 22, lines 16-18).

Applicants' claim 1 recites that the contralateral limb of the bifurcated graft "is radially retained independent of the sheath introducer." The Chuter patent does not disclose such a feature. As such, claims 19 and 20 are patentable over the Chuter patent for at least this reason.

U.S. Patent No. 5,676,697 to McDonald was cited by the Examiner as anticipating claims 19 and 20. The McDonald patent does not disclose "a primary limb" deployment into the aorta, as it discloses only that a "hole" will be available to the aorta for an extension graft after a first graft has been placed (Item 114 in Figs. 7-9). The McDonald patent does not disclose the deployment of a bifurcated graft into the aorta prior to the deployment of a limb of the graft into the contralateral iliac vessel, as the McDonald patent discloses a first graft deployed into the iliac vessel prior to positioning of an extension graft into the aorta. (Col. 10, lines 46-54, Fig. 7). Claim 19 recites deploying firstly a primary limb of a bifurcated graft into the aorta, which is not disclosed in the McDonald patent. As such, the McDonald patent does not anticipate claims 19 and 20, and each is patentable, thereover for at least this reason.

Allowed Claims

Applicants acknowledge the Examiner's allowance of claims 16-18.

New Claims

New claims 21-26 depend from and add further features to independent claim 19 and are therefore patentable over the cited references for at least the same reasons as argued above with respect to that claim. New claim 27 is an independent claim that applies the method of claim 19 in non-aortic vessels as the specification discloses. New

claims 28-34 depend from and add further features to independent claim 27 and are therefore patentable over the cited references for at least the same reasons as argued above with respect to claim 19.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler
Attorney for Applicants
Registration No. 44,933

Date: 07/15/04

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

TUM/MAP/shr

269125.1